

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARVIN JOHN COBB,	:
Plaintiff,	:
v.	: Case No. 3:07-cv-105-KRG-KAP
JOHN YOST, WARDEN, F.C.I.	:
LORETTO,	:
Defendant	:

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on March 6, 2009, docket no. 29, recommending that the defendants' Notice of Suggestion of Mootness, docket no. 25, regarded as a motion to dismiss the complaint under Fed.R.Civ.P. 12(b)(1) for lack of jurisdiction, be granted.

The parties were notified that, pursuant to 28 U.S.C. § 636(b)(1), they had ten days to file written objections to the Report and Recommendation. Plaintiff filed objections, docket no. 30, which set out additional facts, but which facts do not save his complaint from being moot now that he is no longer in the custody of the Bureau of Prisons.

After de novo review of the record of this matter and the Report and Recommendation, together with the objections thereto, the following order is entered:

AND NOW, this 27th day of March, 2009, it is

ORDERED that the defendants' Notice, docket no. 25, construed as a motion to dismiss, is granted. The Report and Recommendation is adopted as the opinion of the Court. The Clerk shall mark this matter closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice by ECF to counsel of record and by U.S. Mail to:

Marvin John Cobb
213 East Avenue
Valley Stream, NY 11580